

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

6:69-cv-07941-BB

RIO CHAMA STREAM SYSTEM
Section 3: Canjilon Creek

Subfile No. CHCJ-003-0086A

MOTION TO VACATE CONSENT ORDER

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and moves the Court to vacate the Consent Order filed January 25, 2002 (Doc. 6499) in connection with Defendants Lorraine S. Martinez and Ronald A. Martinez and Subfile CHCJ-003-0086A and as grounds therefore Plaintiff states as follows:

1. Defendants Lorraine S. Martinez and Ronald A. Martinez signed and approved a Consent Order in Subfile CHCJ-003-0086A that was filed with the Court on January 25, 2002. The State has been working with the Defendants to correct certain errors in the mapping of the lands owned by Defendants and appurtenant water rights, and Defendants have signed and approved a revised Consent Order to replace the Order filed on January 25, 2002.

WHEREFORE, the Plaintiff State of New Mexico requests the Court to vacate the Consent Order filed January 25, 2002 (Doc. 6499) in subfile CHCJ-003-0086A.

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30th day of November, 2009 I filed the foregoing electronically through the CM/ECF system and served the following non-CM/ECF Participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

Lorraine S. Martinez
Ronald A. Martinez
P.O. Box 485
Canjilon, NM 87515

/s/ Ed Newville
Edward G. Newville